

Application Number 	Application/Control No. 08/876,775	Applicant(s)/Patent under Reexamination DIXON, ROBERT C.

Document Code - DISQ	Internal Document – DO NOT MAIL
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TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : August 7, 1998	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Henry D. Jefferson

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	01-Feb-08	APPL. S. N:	08876775
To Examiner:	BANKS-HAROLD, MAR:	Art Unit	2617
From	Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68

SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:

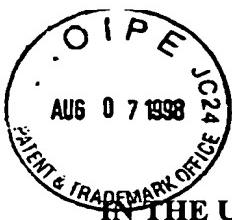
INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete, please initial, date and return this memo to me. THANK YOU.

- The T.D. is PROPER and has been recorded (see 14.23).
- The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):
- The TD fee of [REDACTED] has not been submitted nor is there any authorization in the application file for the use of a deposit account
 - The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
 - The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
 - The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
 - The person who signed the T.D.:
 - is not an attorney "of record" (see 14.29 and 14.29.01).
 - has failed to state his/her capacity to sign for the business entity (see 14.28).
 - is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
 - No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
 - The T.D. is not signed (see 14.26 & 14.26.03).
 - The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
 - The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
 - The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
 - Other: [REDACTED]
 - Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: _____ Date: _____

Log Date: _____



Patent
226/132

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)
Robert C. Dixon) Group Art Unit: 2733
Serial No.: 08/876,775) Examiner: M. Banks Harold
Filed: June 16, 1997) Via Facsimile: 1-703-305-9508
For: THREE CELL WIRELESS)
COMMUNICATION SYSTEM) Via: United States Postal Service
)

TERMINAL DISCLAIMER (CFR § 1.321(b))

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Omnipoint Corporation is the owner of all rights, title and interest in and to the above-identified application pursuant to an assignment assigned to Omnipoint Data Company, Inc., filed with the Patent and Trademark Office and recorded at Reel 5747, Frame 0080 for U.S. Serial No. 07/682,050, filed on April 8, 1991, attached hereto as Exhibit A. The present application is a continuation of U.S. Serial No. 08/410,901, filed March 27, 1995, which is a continuation of U.S. Serial No. 07/682,050.

On February 6, 1992, Omnipoint Data Company, Inc. filed a Certificate of Amendment with the Secretary of State of Delaware changing its corporate title to Omnipoint Corporation. A copy of the Certificate of Amendment is attached hereto as Exhibit B.

Applicant filed a Change of Name and Address with the Patent and Trademark Office on August 15, 1996 and recorded at Reel 8095, Frame 0429 for U.S. Serial No. 08/410,901. A copy of the Notice of Recordation and Assignment Document, a copy of the Recordation Form Cover Sheet,

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and a copy of the Change of Name and Address in Recorded Assignment are attached hereto as Exhibit C. As previously noted, the present application is a continuation of U.S. Serial No. 08/410,901.

The evidentiary documents have been reviewed, and, as of the signing of this Terminal Disclaimer, to the best of assignee's and the undersigned's knowledge and belief, Omnipoint Corporation still is the owner of all such rights, title and interest. Assignee Omnipoint Corporation, hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of United States Patent No. 5,402,413, and hereby agrees that any patent so granted on this application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 5,402,413, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, Omnipoint Corporation does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

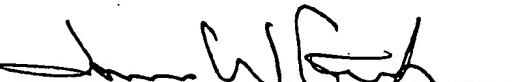
I, James W. Geriak of the law firm of Lyon & Lyon LLP, represent that I am an attorney of record for the above-identified patent application and am authorized to make this disclaimer on behalf of Omnipoint Corporation.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further, that these statements are made with knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Attached is a check in the sum of \$110.00 to cover the fee for filing this Terminal Disclaimer. If any additional fee is required, the Commissioner is hereby authorized to charge to Deposit Account No. 12-2475. A duplicate of this disclaimer is attached.

LYON & LYON LLP

Dated: August 3, 1998

By: 
James W. Geriak
Reg. No. 20,233

633 West Fifth Street, Suite 4700
Los Angeles, California 90071-2066
(408) 993-1555



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PATENT
226/132

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
Robert. C. Dixon
Serial No.: 08/876,775
Filed: June 16, 1997
For: THREE CELL WIRELESS
COMMUNICATION SYSTEM
Pat No : 58501000

) Group Art Unit: 2733
) Examiner: M. Banks Harold

CERTIFICATE
JAN - 5 1998
OF CORRECTION

TERMINAL DISCLAIMER TRANSMITTAL

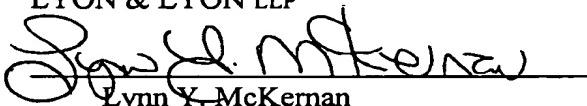
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is a Terminal Disclaimer for the above-identified application.
A duplicate copy of this transmittal is enclosed.

Respectfully submitted,

LYON & LYON LLP


Lynn X. McKernan
Reg. No. P41,986

Dated: August 4, 1998 By:

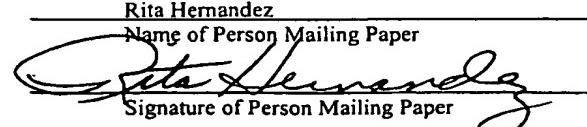
633 West Fifth Street
Suite 4700
Los Angeles, California 90071-2066
(408) 993-1555

CERTIFICATE OF FACSIMILE AND MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being sent by facsimile to 1-703-305-9508, and, further, is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

August 4, 1998
Date of Deposit

Rita Hernandez
Name of Person Mailing Paper


Signature of Person Mailing Paper

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